

Served February 28, 2020

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

JAY WINEGARD, on behalf of himself and
all others similarly situated,

Plaintiff,

-against-

NEWSDAY LLC d/b/a NEWSDAY,

Defendant.

Case No.: 1:19-cv-04420-EK-RER

NOTICE OF MOTION TO DISMISS PLAINTIFF'S COMPLAINT

PLEASE TAKE NOTICE that, upon the accompanying Memorandum Of Law In Support Of Its Motion To Dismiss Plaintiff's Complaint, Defendant Newsday LLC ("Defendant"), through its undersigned attorneys, will move this Court before the Honorable Eric R. Komitee, at the United States District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, Courtroom 6G North, on a date to be scheduled by this Court, for an Order: (1) pursuant to Fed. R. Civ. P. 12(b)(1) and (6) dismissing Plaintiff's Complaint in its entirety with prejudice; and (2) awarding Defendant the costs and fees associated with this Motion, as well as, such other and further relief as the Court deems just and proper.

Dated: February 28, 2020
White Plains, New York

Respectfully submitted,

By: /s/ Michelle E. Phillips
Michelle E. Phillips

/s/ Joseph J. DiPalma
Joseph J. DiPalma
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ATTORNEYS FOR DEFENDANT

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the Notice Of Motion To Dismiss Plaintiff's Complaint and Defendant's Memorandum of Law in Support of Motion to Dismiss has been served on counsel for Plaintiff via First Class Mail and Email on February 28, 2020 at the address listed below:

Mitchell Segal, Esq.
Law Offices of Mitchell Segal, P.C.
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msegal@segallegal.com

/s/ Joseph J. DiPalma
Joseph J. DiPalma